

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 976 of 2018

- Shri Gopichand Krishnani S/o Shri H. S. Krishnani Aged About 45 Years R/o Near Holucross School, Byron Bazar, Raipur Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Civil Lines, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. B.P. Sharma and Mr. M.L. Saket, Advocates.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.298/2018 registered at Police Station- Civil Lines, District – Raipur(C.G.), for the offence punishable under Sections 420, 467 & 468 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is a fact that there had been an agreement between the complainant and this applicant on 30.8.2014 for sale of the that concerned, but the complainant has not made the payment of remaining consideration amount, hence, the

transfer has not been made so far. In between, the development that took place is that one Manish Jigyashi expressed his interest to purchase the same that, to which the husband of complainant agreed and agreement dated 19.8.2017 was again executed with the complainant, in which, complainant is claiming that her signature has been forged. The entire sale consideration has been transferred on 19.8.2017 into the account of complainant Sudha Singh to which she has not raised any objection and a belated false complaint has been lodged on 26.4.2018 against the complainant and other co-accused person. Hence, it is prayed that he be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that applicant has been actively engaged in the subsequent transaction of sale of plot and according to the evidence present in the case diary he is clearly instrumental in the preparation of forged document of agreement. Hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The case against the applicant has been discussed briefly herein above, which is based on one agreement dated 19.8.2017 regarding which complainant has alleged that she has not signed the same as one of the parties to it.
6. After due consideration all the facts and circumstances of this case, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer

arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge